UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/47/L.44
19 November 1992

ORIGINAL: ENGLISH

Forty-seventh session
THIRD COMMITTEE
Agenda item 97 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION
OF HUMAN RIGHTS INSTRUMENTS

Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Cyprus, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Guinea, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Portugal, Romania, Russian Federation, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland and Venezuela: draft resolution

Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights 1/ and article 7 of the International Covenant on Civil and Political Rights, 2/ both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

Recalling further its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing, ratifying and acceding to the Convention as a matter of priority, as well as its subsequent resolutions on the status of the Convention, most recently its resolution 45/142 of 14 December 1990, and its decisions 46/428 and 46/430 of 17 December 1991, as well as the Commission on Human Rights resolutions on the subject, most recently resolution 1992/25 of 28 February 1992, 3/

Recalling the decision of 9 September 1992 of the States parties to the Convention to delete paragraph 7 of article 17 and paragraph 5 of article 18 of the Convention and to add a new paragraph, as paragraph 4 of article 18, stating that the members of the Committee established under the present Convention shall henceforth receive emoluments from United Nations resources on such terms as the General Assembly will decide,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials 4/ and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees agaist torture and other cruel, inhuman or degrading treatment or punishment, 5/

Recalling the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 6/

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Determined to promote the full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Taking note of the decision of the Commission on Human Rights, in its resolution 1992/32 of 28 February 1992, 3/ to extend for three years the mandate of the Special Rapporteur to examine questions relevant to torture,

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3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

4/ Resolution 34/169, annex.

5/ Resolution 37/194, annex.

6/ Resolution 43/173, annex.

Noting with appreciation the holding of the first session of the open-ended working group of the Commission on Human Rights elaborating a draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. Welcomes the report of the Committee against Torture; 7/

2. Takes note of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 8/

3. Emphasizes the importance of the strictest compliance by States parties with their obligations under the Convention;

4. Stresses the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urges States parties that have not yet paid their assessed contributions to fulfil their obligations forthwith;

5. Welcomes the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties, and especially its revision of its general guidelines for the submission of reports by States parties as well as its practice of formulating concluding observations after the consideration of such reports;

6. Welcomes also the continuing close contacts and exchange of information, reports and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture;

7. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

8. Reiterates its request to all States to become parties to the Convention as a matter of priority;

9. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention, and to consider the possibility of withdrawing their reservations to article 20;

7/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 44 (A/47/44).

8/ A/47/ .

10. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-ninth session and to the General Assembly at its forty-ninth session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

11. Decides to consider the reports of the Secretary-General and the Committee against Torture at its forty-ninth session under the subitem entitled "Human rights questions: implementation of human rights instruments".